

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1351 OF 2006

Avinash Raghunath Pathak .. Petitioner.
Vs.
The State of Maharashtra & Anr. .. Respondents.

Mr.Rakesh D.Dave for the petitioner.
Mrs.M.M.Deshmukh A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 25TH JULY, 2006

P.C.:

. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. This petition is directed against the order dated 4.4.2005 passed by the learned Magistrate rejecting the application filed by petitioner-accused under section 91 seeking direction to the complainant-bank to produce a copy of the statement of loan account No.HP-756. It appears that in the present case the complainant-bank had obtained recovery certificate under section 101 of the Maharashtra Co-operative Societies Act and to prevent sell of the property in pursuance of the said certificate, the questioned cheque was issued by the petitioner. That cheque came to be dishonoured and hence the respondent-bank has filed the

present complaint. The petitioner has not produced on record the recovery certificate for my perusal, however, he has not disputed the said fact. It appears that the bank has not placed reliance upon the loan account. It further appears that similar application at Exhibit-19 was filed by the petitioner seeking direction to produce some other documents and that was also rejected. The petitioner seems to have filed this application only to prolong the proceedings. I am not inclined to interfere with the impugned order. In the circumstances this petition is dismissed.

(D.B.Bhosale, J.)